THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15629 of 2007

Dated:26.07.2007

Between:

Bachina Rajani Kumari, W/o.Ramesh Babu.

…Petitioner

and

The Govt.of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, and others.

…Respondents

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ORDER:

The petitioner is a resident of Ongole. She filed the instant Writ Petition seeing a writ of mandamus declaring the action of the fourth respondent, Tahasildar, Maddipadu, in attempting to resume the land admeasuring Ac.1.43 cents in Survey No.233 situated at Vellampalli Village of Maddipadu Mandal in Praasam District, owned by the petitioner without any notice to the petitioner as illegal and arbitrary.

The brief fact of the matter is that the petitioner is allegedly a landless poor person. She purchased the subject land from Smt.Bapatla Hanumayamma and her sons under registered sale deed dated 24.04.2007, and she is allegedly in possession of the land. The Tahasildar issued notice dated 27.04.2007 in Form-I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2003, to Hanumayamma, but no such notice was issued to the petitioner. The petitioner contends that the land is not assigned land, and in any event, without any notice, her land cannot be resumed by the Tahasildar under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

On 24.07.2007 the learned Assistant Government Pleader for Revenue (Assignment) requested time for getting instructions. Yesterday, the learned Counsel for the petitioner was absent. Learned Assistant Government Pleader, however, submitted that notice was also issued to the petitioner in Form-II. He sought time to produce a copy of the same. The Writ Petition was therefore adjourned. When the matter is called today, learned Assistant Government Pleader has placed before this Court a copy of the notice in Form-II issued to the petitioner calling upon her to explain as to why the land in her occupation should not be resumed for contravention of the provisions of Section 3(2) of the Act. The

same is made part of the record.

This only shows that the petitioner filed the present Writ Petition by making false allegations. In such a Writ Petition, the discretion cannot be exercised. Even otherwise, as the notice is already issued, the petitioner may approach the Tahasildar and raise all the objections.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

26.07.2007
vs